

Date: February 14, 1995

To: Laurie Peterson-Wright, Ed Mast, Linda Guinn, Laura Brooks, Rick Roberts

From: Laurie Gregory-Frost, X8570 *Laurie*

Subject: DOE MEETING ON FEBRUARY 14, 1995 AT 0900 REGARDING THE OU-7 PAM

ATTENDEES: Peg Witherill, Virgene Ideker, Ed Smith, Paul Pigeon, Dave Maxwell, Laura Cindel, Mario Acevedo, Fred Gerdeman, Richard Stupka, Judith Stewart, Gayle Hill, Kurt Muenchow, and others

Why was I at this DOE-only meeting?

Peg Witherill called me at 0815 on February 14, 1995 requesting that I attend this meeting. She indicated that it was a DOE-only meeting, and that I was invited at the request of Glenn Doyle, DOE, RFFO. Peg also indicated that the meetings would continue on a weekly basis, with DOE, RFFO individuals accepting assignments, until DOE made some hard decisions. She requested that I continue to attend the meetings; however, no other EG&G personnel were invited. I think Glenn Doyle insisted on my attendance because of my recent activities associated with the application of the F039 EPA hazardous waste code to RFETS waste/IDM.

ISSUES AND ACTIONS:

1. Is the PAM binding? Is Dispute Resolution binding?
Develop a strategy for pulling the PAM (to be initiated if DOE, RFFO determines that this is the most advantageous option.)
Action: Witherill will work with OCC, OOM, and the DOE RFCA team [I recommended she talk with Linda Guinn, as well.]

[This action was based on strong arguments from R. Stupka and P. Pigeon that there is no risk which must be addressed at the landfill. In opposition was Ed Smith (subcontractor to Fred Gerdeman) who claimed that the landfill pond is a non-compliant treatment impoundment which is continuously receiving newly generated F039 process waste. Therefore, the leachate must be collected and managed immediately and the impoundment must be drained.]

2. Develop a technical argument for the application of the "contained-in" policy to the leachate. What additional information do we need?
 - March 3, 1993 letter from CDH
 - HELP model run and Particle Transport Model to show groundwater flows through the landfill.

[I explained, and then Kurt Muenchow argued very hard that there is evidence that groundwater flows through the landfill. Ed Smith argued strongly that he believed that the leachate (F039) draining from the landfill is a "process waste" not a "contained-in" waste.]

Action: P. Witherill and G. Hill

[At issue, Ed Smith "not believing without seeing" that there is groundwater flowing through the landfill.]

3. Is the CDPH&E conservative screen for removing environmental media "containing" hazardous constituents from RCRA-hazardous waste regulation appropriate?
- R. Stupka stated that the CDPH&E conservative risk assessment was inappropriate, using 30 years exposure, two liters per day, since the landfill would be closed in two years. Judith Stewart explained the different purposes of the RCRA risk screen (for management of environmental media) and the CERCLA risk assessment determination (for no further action required).
 - Is the Field Sampling Plan approved by CDPH&E? An August 1993 letter from CDPH&E to DOE, RFFO was referenced which states that only samples collected in accordance with a CDPH&E approved sampling plan can be used for the 10^{-6} risk assessment.
[Fred Gerdeman and Ed Smith strongly indicated that a sampling plan approved for CERCLA characterization does not mean that the sampling plan is adequate or approved for RCRA waste characterization. I spoke up saying that CDPH&E approved work plans and sampling plans for the landfill under the IAG, that in general the CERCLA requirements are more stringent than RCRA, and that if his theory was true, none of the IDM could be determined to be non-RCRA hazardous.]

Action: P. Pigeon

[The discussion indicated that the most of the individuals in the room did not understand the distinctions between or the purposes of the CERCLA risk analysis and the RCRA "contained-in" risk assessment.]

4. Are surface water standards applicable to the landfill pond? When? Is there a separate question related to the Clean Water Act (CWA) that must be addressed at the landfill?
- If we win the arguments for CERCLA and RCRA [no action], will we lose the arguments with the CWA and be required to start all over again?

Action: I missed who took this action.

In summary, the four identified issues were discussed for an hour. Consensus was not achieved on any of the regulatory or technical issues.

I believe that my continued participation in these meetings will be beneficial to ERPD. I will keep you informed. The next meeting is on Wednesday, February 22, 1995.

I am not an expert on OU-7 or risk analysis, so I can use your help. If you have any questions, require additional information, or have information for me, please contact me at extension 8570.